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File No. O.L.A.C. Bom. City 57

Legal Deptt.

A BRANCH

Subject:—

Opinions under the Bombay City Land Revenue Act, 1876

P.B.
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Office of the R.L.A.

Bombay City Land Revenue Act, 1876 Section 29-A.

Section 29 A of the Bombay City Land Revenue Act would apply, for vesting does not mean merely the acquisition of ownership. Under Rule 75A(1) of the Defence of India Rules the land is either taken possession of by Government or is required to be placed at its disposal & It vests in Government for the time being. In this case the eviction is not from a building or a structure. It is from the open land in front of the Institute. The Collector can take action for eviction.

I C. Signed by R.L.A. Id /-

Remembrancer of Legal Affairs.

U.R. to L. to H.D. No. 11010,

dated the 12th July 1951.

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5C.

Legal Department.

The view taken by R.D. in paragraph 2 of its note that section 29A cannot be availed of is correct. But the view taken by R.D. in pagagraph 3 of its note that action can be taken against Shri Bhatt under section 26 is not correct. That section only gives power to the Collector to abate or remove encroachments on land or foreshore vested in Government. This is not a case of encroachment of open land by Shri Bhatt, but his continuing in occupation of a Government building even after the termination of his tenancy. From section 30 it is clear that the term "land" in sections 26 and 29A does not include Government buildings. He can only be evicted through a Civil Court.

Id/-P.M.L.
dt/- 30/7/
Additional Secretary to Government
Legal Department.

U.R. to R.D. No. 12247, dated the
31st July 1951.

V.v.k. 27/6/56/
5C.